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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,981	12/17/2003	Fabrice Pourtier	713-981	4810

33712 7590 11/30/2004

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EXAMINER

REESE, DAVID C

ART UNIT PAPER NUMBER

3677

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/736,981

Applicant(s)

POURTIER, FABRICE

Examiner

David C. Reese

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 December 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Status of Claims***

- [1]** Amended Claims 1-8 are pending.

### ***Specification***

- [2]** The disclosure is objected to because of the following informalities:

The abstract has grammatical and formatting issues that need to be resolved. Recommend the removal of dashes in the first paragraph, as well as a more passive technical view of the device; that is, more narrative in form.

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

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Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

**[3]** The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**[4]** Claims 1-4, and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Remmers US-5,533,851 in view of Goring et al. US-4,210,057.

Remmers teaches of a hollow wall anchor that is provided with a pair of parallel fingers that can be spread apart by driving a pin therethrough.

However, Remmers fails to disclose expressly a device that includes a intermediate expansion part that provides additional expansion of the device through the midsection.

Goring et al. teaches of an anchoring dowel with detent lugs that possesses a intermediate expansion section that provides additional longitudinal expansion throughout the device with the insertion of a screw or pin.

At the time of invention, it would have been obvious to one of ordinary skill in the art to modify the Anchor as taught by Remmers, to incorporate the intermediate expansion section as taught by Goring et al., in order to create a more concrete anchoring device that has the ability to maintain a profound stronghold within the

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substrate as a result of utilizing a larger and earlier expansion of the surface area down the length of the device.

Now as for Claim 1,

Remmers discloses a hollow wall anchor comprising a tubular hollow body (18 in Fig. 1 of Remmers), surmounted by a bearing collar (12 in Fig. 4 of Remmers) with a crural expansion part with two slots lying in an axial plane (16a, 16b in Fig. 5 of Remmers)

and intermediate expansion part (Remmers in view of Goring et al; section 5 from Fig. 1 of Goring et al.) with a cut-away wall between the crural part and the bearing collar (substituting section 5 of Fig. 1 of Goring et al. to the anterior of 10 in Fig. 5 of Remmers),

characterized in that the wall of the intermediate expansion part is pierced, substantially in the extension of each slot of the crural part (slot between 16a and 16b in Fig. 5 of Remmers), with a non-straight continuous expansion aperture (section 5, Fig. 1 of Goring et al.) lying on either side of the said axial plane and axially spaced from the said slot in order to provide double axial expansion of the plug (process of double axial expansion from Fig. 1 to Fig. 8 of Goring et al.).

As for Claim 2, Re: Claim 1, in which the axial length of the expansion apertures (12 in Fig. 1 of Goring et al.) of the intermediate part (section 5 of Goring et al.) is shorter than that of the slots of the crural part (slot between 16a and 16b in Fig. 5 of Remmers).

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As for Claim 3, Re: Claim 1, in which the expansion apertures (12 in Fig. 1 of Goring et al.) of the intermediate part (section 5 of Goring et al.) lie in a zigzag

As for Claim 4, Re: Claim 3, in which the branches (13 in Fig. 1 of Goring et al.) forming the zigzag of the expansion aperture (12 in Fig. 1 of Goring et al.) form acute angles between them.

As for Claim 6, Re: Claim 1, in which each expansion aperture (12 in Fig. 1 of Goring et al.) of the intermediate part (section 5 of Goring et al.) forms at least one retaining lug projecting out of the wall of the plug (21 in Fig. 2 of Goring et al.)

As for Claim 7, Re: Claim 1, in which the surface of the inner bore of the plug, close to the bearing collar, is shaped in order to present at least one bead for retaining an expansion nail (the inner bore of Remmers anchor, 20 in Fig. 1, possesses structure similar to that necessary to fit at least one bead).

As for Claim 8, Re: Claim 1, in which two axially offset lugs are provided projecting out of the outer surface of the plug (110 in Fig. 2 of Goring et al.).

**[5]** Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Remmers US-5,533,851 in view of Goring et al. US-4,210,057, and in further view of McSherry et al. US-4,752,170.

Remmers in view of Goring et al. teach of the above Claims.

However, Remmers in view of Goring et al. fail to disclose expressly a device that includes a side branch at the top of the intermediate expansion section.

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McSherry et al. teaches of a fastening device with nesting anchoring elements that also possesses an side branch at the top near the collar at the end of the expansion aperture (8 in Fig. 4 of McSherry et al.).

At the time of invention, it would have been obvious to one of ordinary skill in the art to modify the device taught by Remmers in view of Goring et al., to also incorporate a side branch at the top of the expansion aperture near the collar as to insure a smooth, stable, and secure expansion process as the screw or pin is being inserted into the device.

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**Conclusion**

[6] The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is as follows: Schefer, U.S. Patent 4,142,440; Murphy, U.S. Patent 5,080,543; Fischer, U.S. Patent 3,171,321; Von Wolff et al., U.S. Patent 3,413,887.

[7] Any inquiry concerning this communication or earlier communications from the examiner should be directed to David C. Reese whose telephone number is (703) 305-4805. The examiner can normally be reached on 7:30 am - 5:00 pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on (703) 306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
ROBERT J. SANDY  
PRIMARY EXAMINER

Sincerely,  
David Reese  
Assistant Examiner  
Art Unit 3677